

# WASHINGTON STATE GOODS & SERVICES PROCUREMENT

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Enterprise Services  
Contracts & Procurement Division



# GOODS & SERVICES PROCUREMENT

## Statutes

- Procurement Code
- Agency Statutes
- Other Statutes

## Rules

- Enterprise Services Rules
- Agency Rules

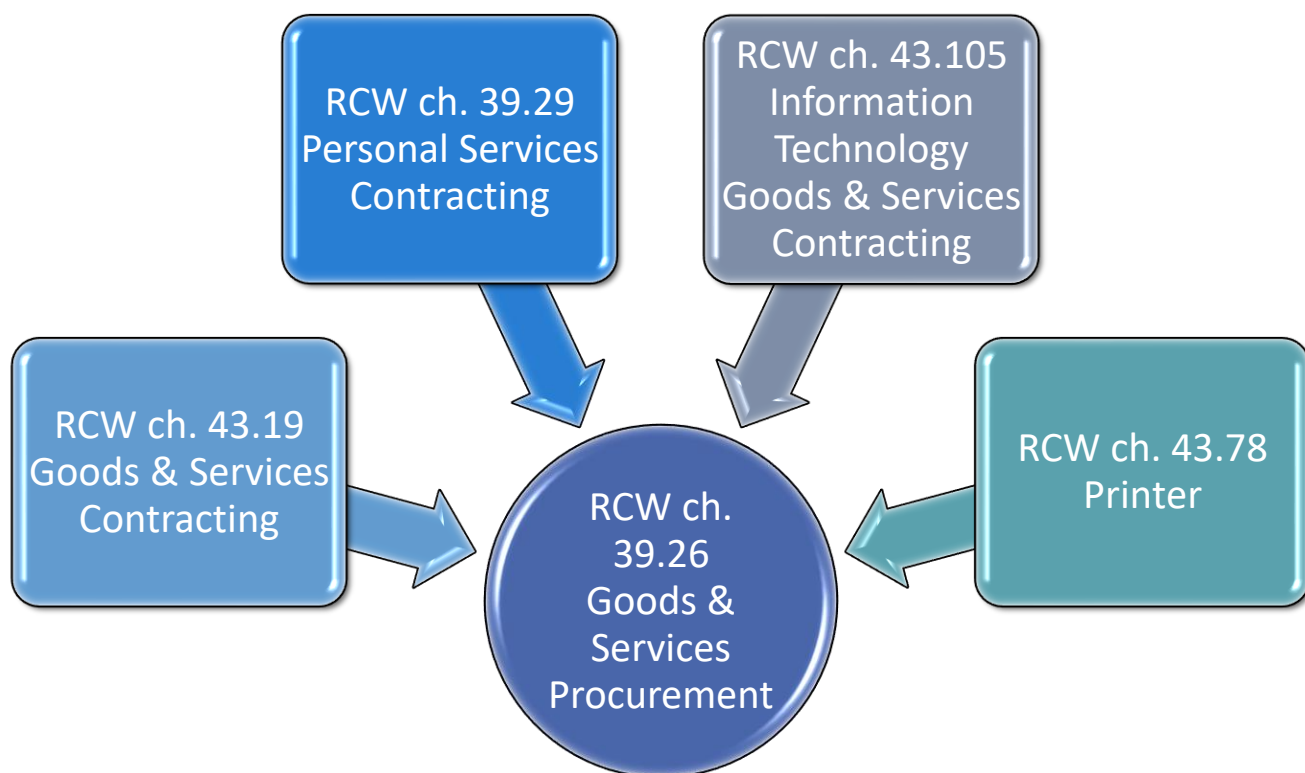
## Policies

- Statewide Procurement Policies
- OCIO Policies
- Agency Policies

## Other

- Executive Orders
- State Procurement Priorities & Preferences
- Court decision
- AGO Opinions

# 2012: CREATING THE NEW STATE PROCUREMENT CODE



# STRATEGIC DRIVERS FOR 'PROCUREMENT REFORM'



# SUBSEQUENT AMENDMENTS TO RCW CHAP. 39.26

2012

- 2SHB 2452: Procurement Reform (enacts RCW ch. 39.26)

2013

- ESSB 5891: Exemption for Certain Information Technology Purchases
- SB 5948: Debarment - Medicaid

2014

- SSB 6086: PCBs

2015

- SHB 1447: Debarment - Fines in Lieu of Debarment
- SB 5075: Technical Changes

2016

- HB 2398: Blind Vendor Preference

2017

- SSB 5883: Pay Equality; Debarment
- SSB 5301: Wage Theft; Responsible Bidder Criteria

2018

- 2SSB 6245: Purchase of Spoken Language Interpreter Services

2019

- SSB 5017: Technical Change - Bidder's Certificate
- HB 1604: Technical Change - Purchase of Spoken Language Interpreter Service (Agency Names)
- SB 5558: Procurement Code Exemption for Sensory-Impaired Interpreter Services (DSHS & HCA)
- E2SHB 1112: Hydrofluorocarbon Emissions
- ESHB 1109: Pay Equality

# WASHINGTON STATE

## PROCUREMENT CODE: SCOPE

### ■ RCW chap. 39.26

#### Includes:

- Goods and services contracts
- IT goods and services contracts
- Client services contracts
- Personal services contracts

### ■ RCW chap. 39.26

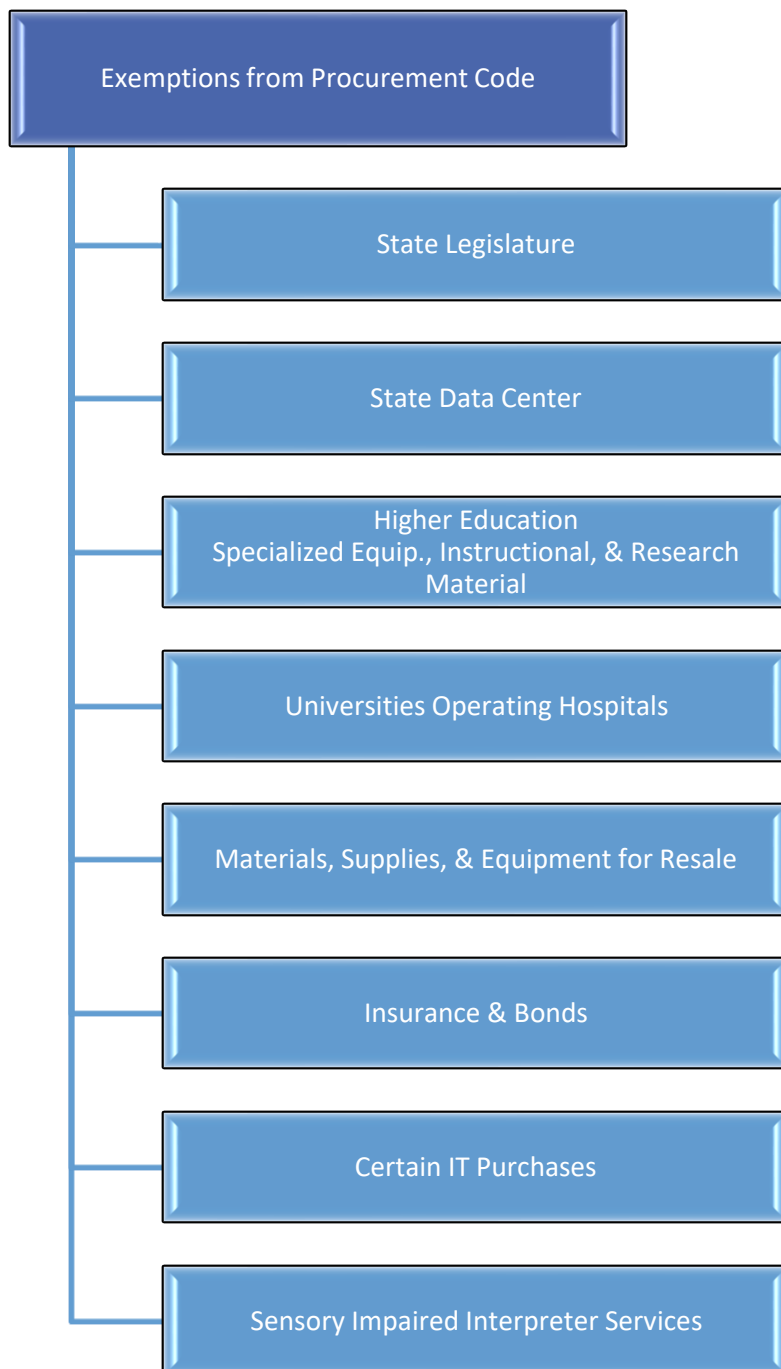
#### Excludes:

- Public works  
[RCW chap. 39.04](#)
- Real Estate Services  
[RCW chap. 43.82](#)
- Architecture & Engineering  
[RCW chap. 39.80](#)
- Specified exemptions  
[RCW 39.26.100](#)

# EXEMPTIONS

- Statutory Exemptions from State Procurement Code

- See [RCW 39.26.100](#)



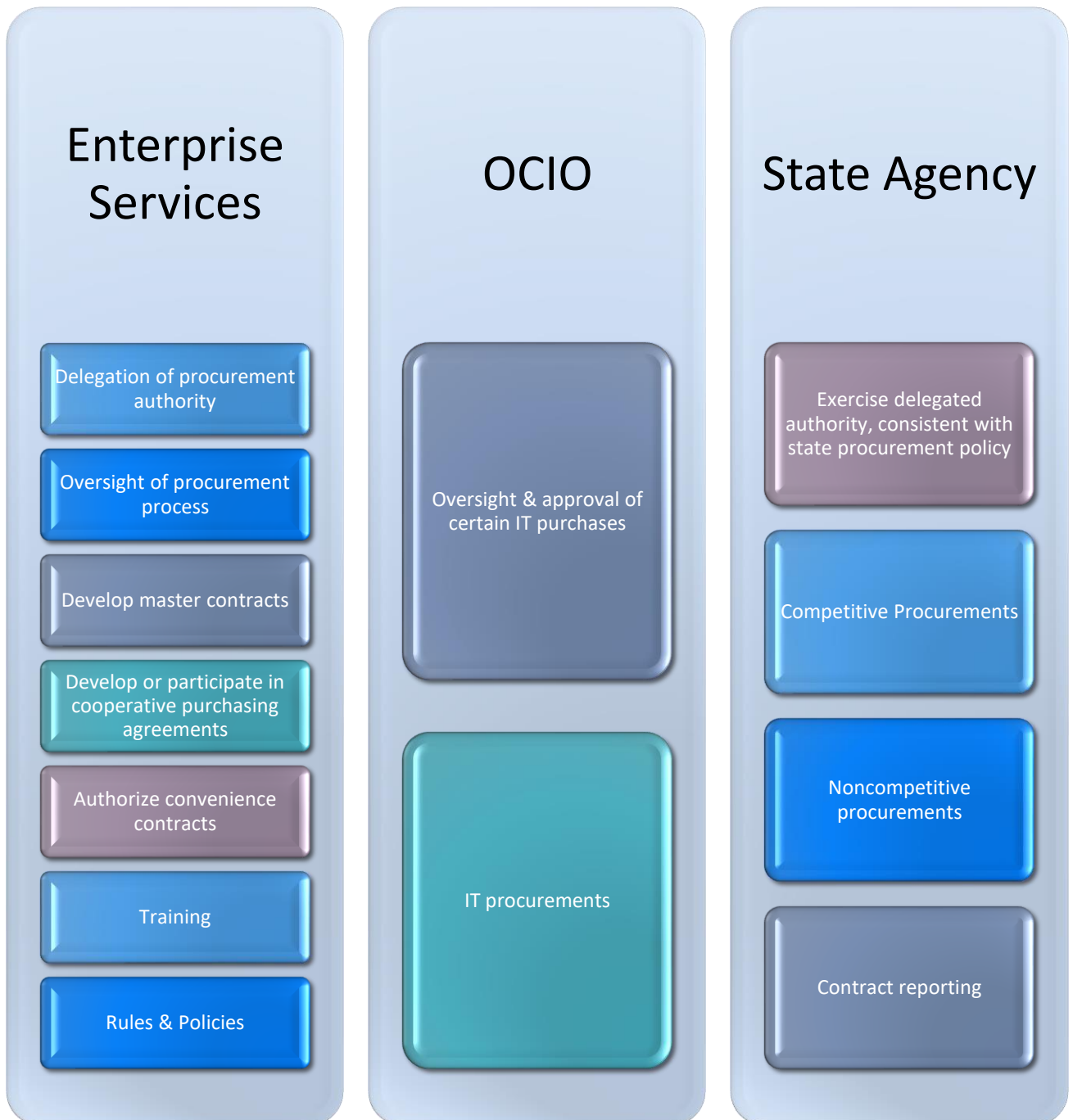
# EXEMPTION FOR CERTAIN IT PURCHASES

- Procurement Code Does NOT Apply to Certain State Agency Information Technology Purchases *if*:
  - (a) the purchase is less than one hundred thousand dollars,
  - (b) the initial purchase is approved by the chief information officer of the state, and
  - (c) the agency director and the chief information officer of the state jointly prepare a public document providing a detailed justification for the expenditure.

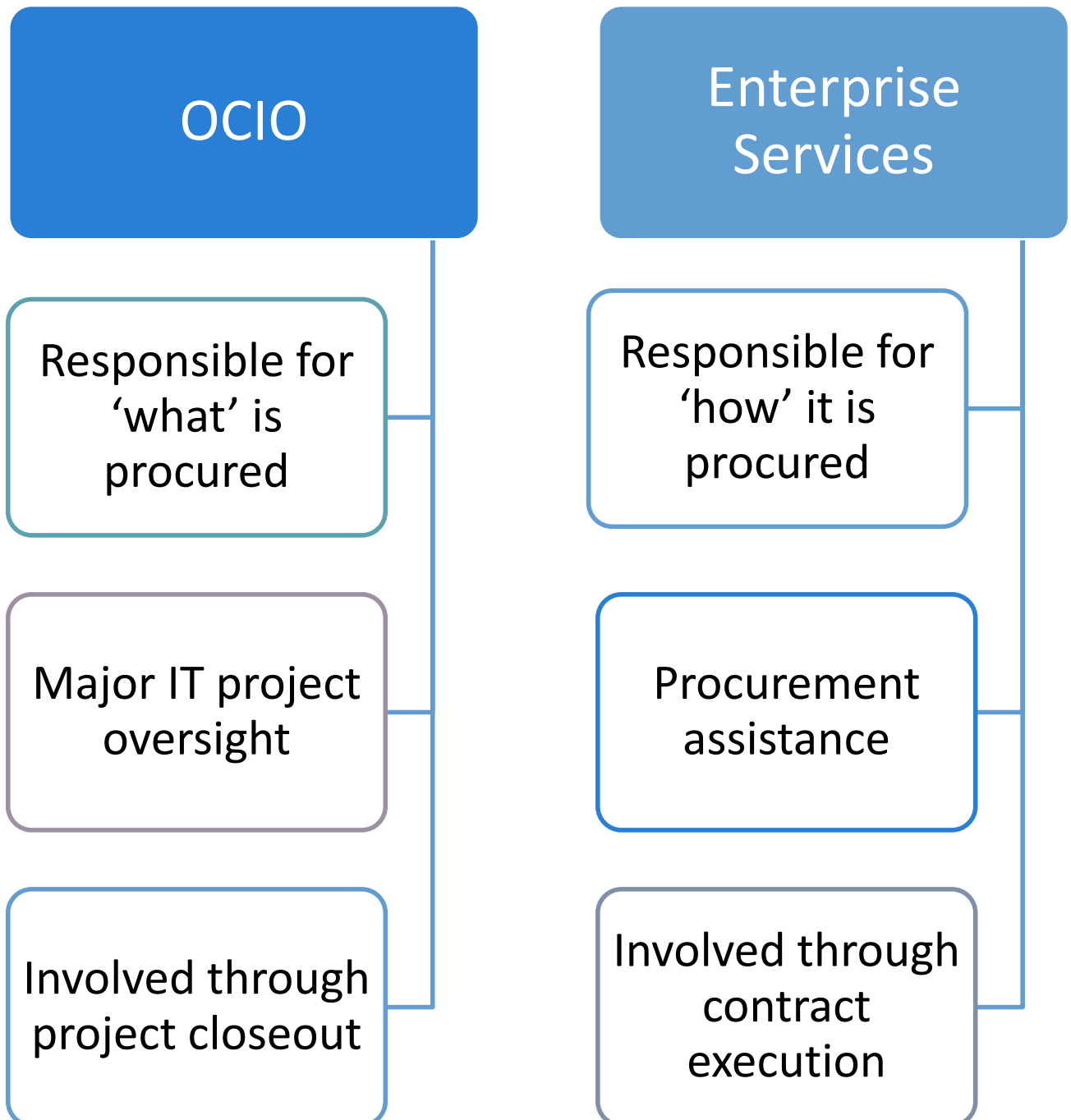
[RCW 39.26.100\(7\)](#)



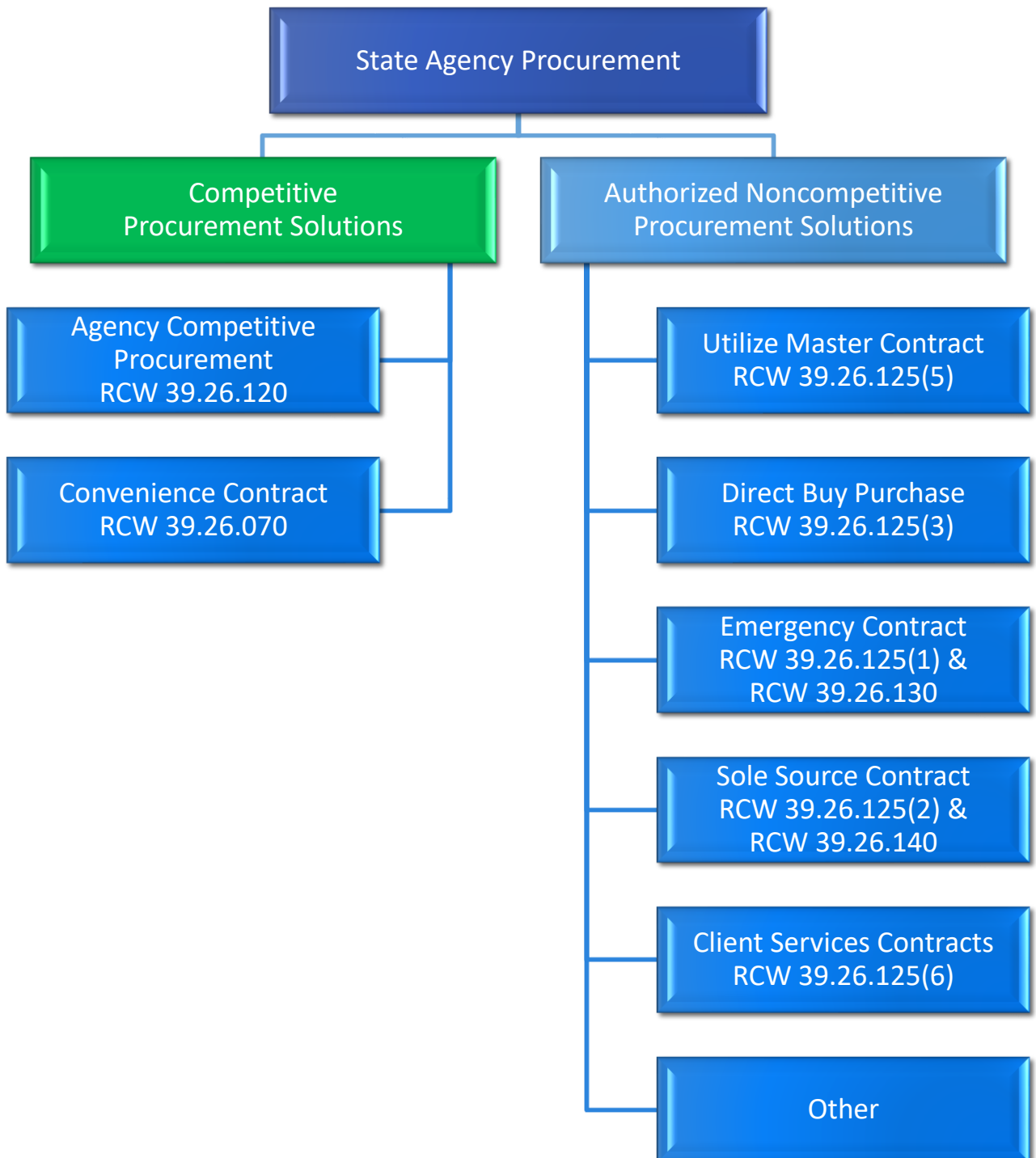
# PROCUREMENT REFORM



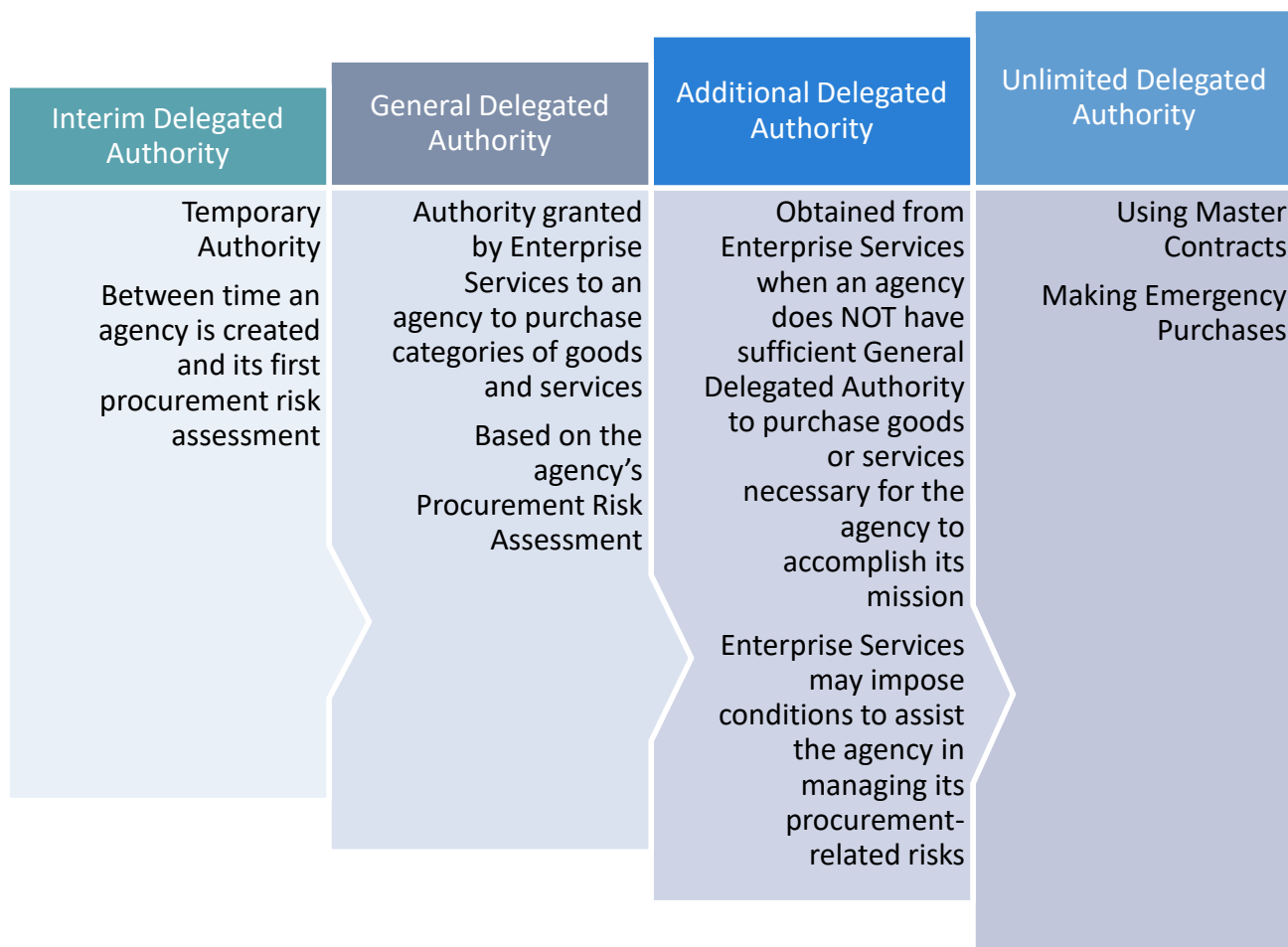
# DIFFERENCE BETWEEN OCIO AND IT CONTRACTS LIAISON



# STATE AGENCY PROCUREMENT



# DELEGATED AUTHORITY POLICY



## ■ Resources

- POL-DES-090-00 [Delegation Authority Policy](#) (April 5, 2019)
- PRO-DES-090-00A [Delegated Authority Procedure](#) (April 5, 2019)
- [Delegated Authority Policy – FAQs](#) (April 5, 2019)

# COMPETITIVE PROCUREMENT PROCESS

## Planning

- Perform Market Research
- Develop Strategic Plan
- Develop the Competitive Solicitation & Contract

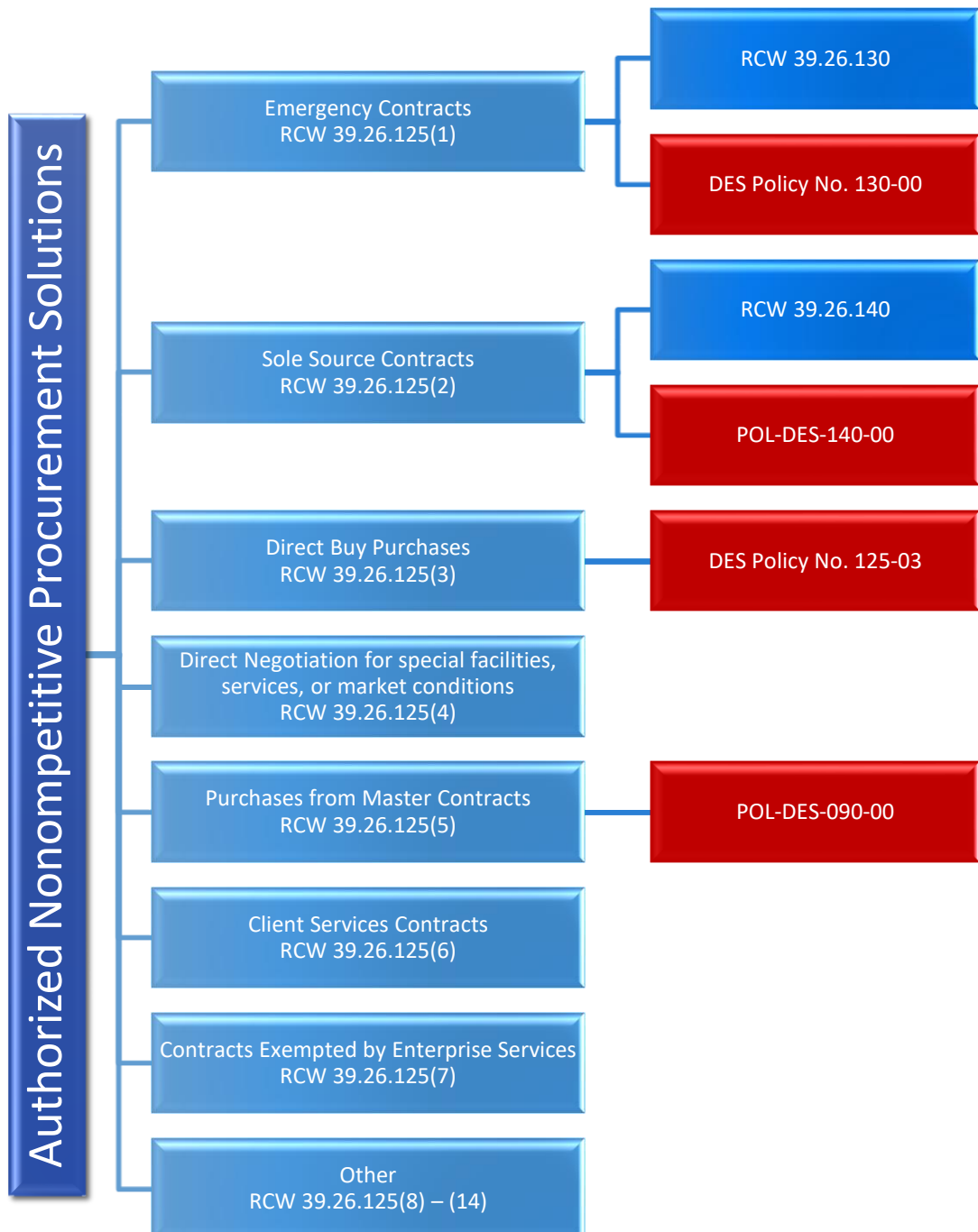
## Solicitation & Selection

- Post Solicitation (WEBS)
- Manage Solicitation
- Evaluate Bids
- Optional Pre-Award Contract Negotiations
- Document Award Determination
- Issue Notice of Intent to Award (ASB)
- Debrief & Protest Period
- Contract Negotiations

## Post-Selection

- Contract Award
- Execute Contract
- Contract Management
- Begin Planning for Subsequent Competitive Solicitation

# AUTHORIZED NONCOMPETITIVE PROCUREMENT SOLUTIONS

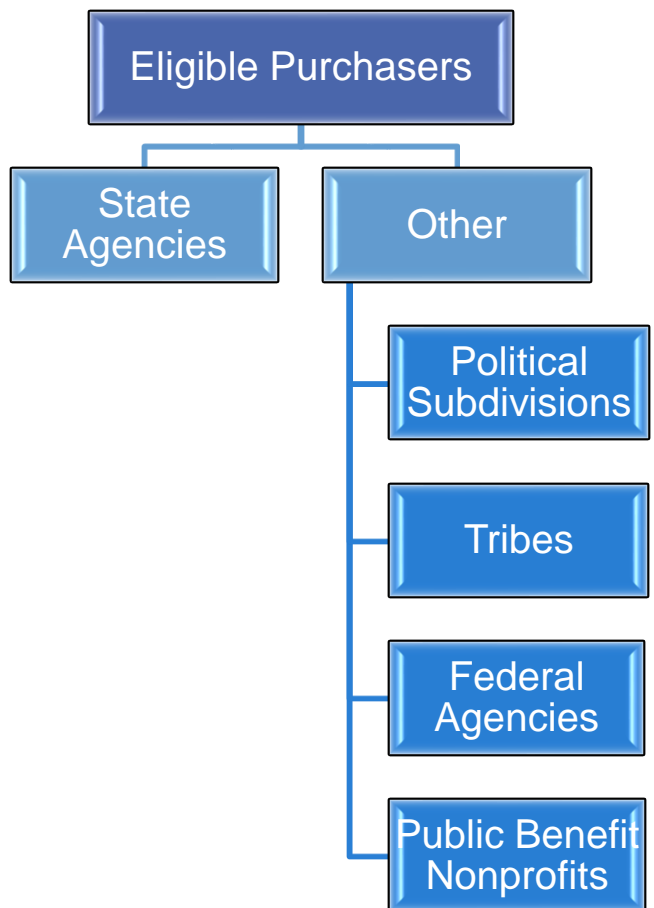


# MASTER CONTRACT PURCHASES

- Authorized Noncompetitive Procurement Solution
  - [RCW 39.26.125\(5\)](#)
  - [POL-DES 090-00](#) (at 6)
- Unlimited Purchase Authority
- Key Requirements
  - Only Enterprise Services is authorized to develop state Master Contracts. See [RCW 39.26.080\(3\)](#)
  - Only Enterprise Services is authorized to develop, sponsor, or participate in Cooperative Purchasing Agreements. See [RCW 39.26.060](#)
  - Users (Purchasers) cannot change the Master Contract or Cooperative Purchasing Agreement.

# MASTER CONTRACTS CONTINUED

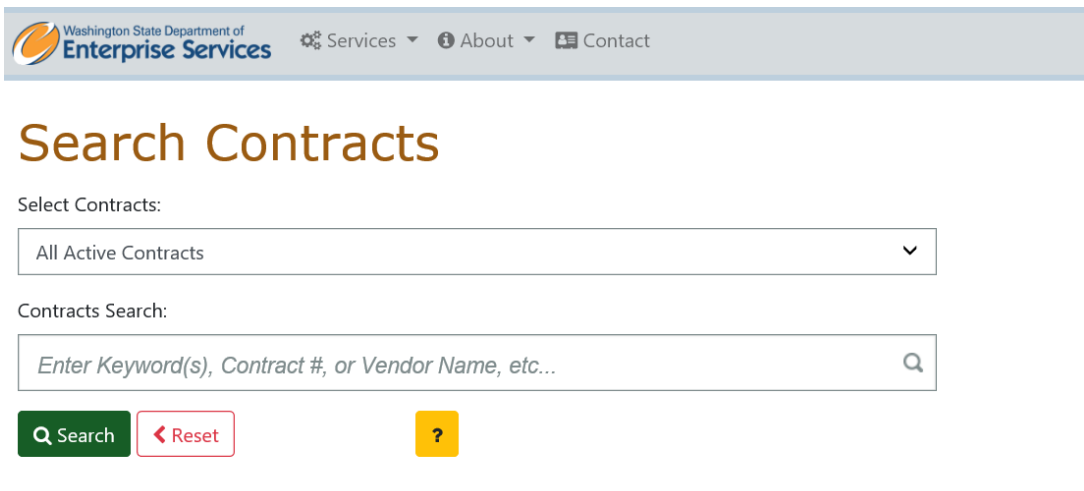
- State Agencies
  - *Policy:* Use Master Contracts unless the contract cannot justifiably satisfy the agency needs.
  - *Rationale:* Secure the legislative goal of centralized procurement
- Other Eligible Users
  - Optional Use with MCUA





# MASTER CONTRACTS RESOURCES

- Enterprise Services Resources
  - See our current contracts here:  
<https://des.wa.gov/services/contracting-purchasing/current-contracts>
  - Resource center: 360.407.2210



The screenshot shows the top navigation bar of the Washington State Department of Enterprise Services website. Below the navigation bar, the heading "Search Contracts" is displayed in a large, bold, orange font. Underneath the heading, there is a section titled "Select Contracts:" followed by a dropdown menu currently showing "All Active Contracts". Below this is a section titled "Contracts Search:" followed by a search input field with the placeholder text "Enter Keyword(s), Contract #, or Vendor Name, etc...". At the bottom of the search section, there are three buttons: a green "Search" button with a magnifying glass icon, a red "Reset" button with a left arrow icon, and a yellow button with a question mark icon.

- Master Contracts are available as an alternative to agency procurement

# DIRECT BUY PURCHASES

- Authorized Noncompetitive Procurement Solution
  - [RCW 39.26.125\(3\)](#)
  - [DES Policy No. 125-03](#)
- Key Requirements
  - Master Contract
    - If applicable, use Master Contract; not direct buy purchase
  - OCIO
    - Direct buy purchases must comply with applicable OCIO requirements
  - Financial Limits
    - \$30,000: Any vendor
    - \$40,000: Any microbusiness, minibusiness, or small business.  
See [RCW 39.26.010](#)(16), (17), & (22).

# SOLE SOURCE CONTRACTS

- Authorized Noncompetitive Procurement Solution
  - [RCW 39.26.125\(2\)](#)
  - [RCW 39.26.140](#)
  - [POL-DES-140-00](#) – Sole Source Contract Policy
  - [PRO-DES-140-00A](#) - Sole Source Contract Approval Procedure
- Defined
  - [RCW 39.26.010\(23\)](#)
- Key Requirements
  - Must be a sole source
  - Unless exempt, sole source contracts must be visible
- Exemptions to Filing & Posting
  - See [POL-DES-140-00](#) (at 5)

# EMERGENCY PROCUREMENT

- Authorized Noncompetitive Procurement Solution
  - [RCW 39.26.125\(1\)](#)
  - [RCW 39.26.130](#)
  - [DES Policy No. 130-00](#)
- Defined
  - [RCW 39.26.130\(3\)](#)
- Key Requirements
  - Must be an emergency
  - Must be visible
  - Must notify Enterprise Services

# PUBLIC RECORDS DISCLOSURE

## TIMING



### Solicitation

- All records related to state procurement are public records, subject to public disclosure pursuant to the Public Records Act, RCW chap. 42.56. See RCW 39.26.030(1)
- **Temporary exemption from public disclosure.** See RCW 39.26.030(2). Limited to
  - Bid submissions & bid evaluations
  - Until announcement of ASB.



### ASB

- Upon announcement of Apparent Successful Bidder (ASB) – and PRIOR to contract award – agency must make all bid submissions and all bid evaluations transparent. See RCW 39.26.030(2)
- Unless statutorily exempt, records are subject to disclosure if requested

# RECORDS RETENTION

- Agencies must retain records in accordance with applicable records retention schedules



Records	Retention Period
Solicitation documents:	6 years after closure or cancellation
Unsuccessful bids:	3 years after contract award or procurement cancellation date
Bidder protests:	6 years after disposition of protest
Contract documents: (including the successful bid):	6 years after contract expiration or termination (or resolution of litigation, if later)

# CONTRACTS LIAISONS

- Enterprise Services Resources

- Contracts Liaison

- Cindy Zielinski

- 360-407-8256

- [Cindy.Zielinski@des.wa.gov](mailto:Cindy.Zielinski@des.wa.gov)

- Website: [Contracts & Purchasing](#)

- Role

- Procurement process

- Delegated authority

- Statement of work review

- Contract review

- Evaluation models

- Negotiations help

# ENTERPRISE SERVICES STATUTES, RULES, & POLICIES

- Statutes

- [RCW chap. 39.26](#), *Procurement of Goods & Services*
- [RCW chap. 43.19](#), *Department of Enterprise Services*

- Rules

- [WAC chap. 200-300](#), *Contracting for Goods & Services*
- [WAC chap. 200-305](#), *Debarment Procedures*



# ENTERPRISE PROCUREMENT POLICIES

- [POL-DES-90-00](#), *Delegated Authority Policy* (April 5, 2019)
- [POL-DES-140-00](#), *Sole Source Contract Policy* (April 3, 2019)
- [DES 130-00](#), *Emergency Procurements/Purchases* (January 8, 2015)
- [DES-125-03](#), *Direct Buy Procurements/Purchases* (January 8, 2015)
- [DES-170-00](#), *Complaints and Protests* (January 8, 2015)
- [DES-210-01](#), *Agency Contract Reporting* (March 9, 2015)
- [POL-DES-280-00](#), *Purchasing Preference for Products and Product Packaging That Do Not Contain Polychlorinated Biphenyls (PCBs)* (January 1, 2019)
- [POL-DES-090-09](#), *Purchases of Washington Grown Food* (February 20, 2019)
- [POL-DES-EO 18-03](#), *Policy Regarding Executive Order 18-03* (July 1, 2019)

# OCIO POLICIES

## ■ Policies

- [Policy 121](#), *IT Investments – Approval and Oversight Policy* (August 16, 2018)
- [Policy 141](#), *Securing Information Technology Assets* (October 1, 2011)
- [Policy 188](#), *Accessibility* (September 12, 2017)
- [Policy 202](#), *Innovation Exemption* (November 8, 2013)

## ■ Guidelines

- [Electronic Signature Guidelines](#) (April 1, 2016)

# EXECUTIVE ORDERS

- [04-01](#) (January 28, 2004): Persistent Toxic Chemicals
- [05-03](#) (March 24, 2005): Plain Talk
- [13-01](#) (May 10, 2013): Veterans Transition Support
- [16-01](#) (January 5, 2016): Privacy Protection & Transparency In State Government
- [18-01](#) (January 16, 2018): State Efficiency and Environmental Performance
- [18-03](#) (June 12, 2018): Supporting Workers' Rights to Effectively Address Workplace Violations
- [19-01](#) (May 13, 2019): Veteran & Military Family Transition & Readiness Support

## OTHER STATUTES

- [RCW 28B.10.029](#), Colleges & Universities - Property purchase and disposition—Independent purchasing authority
- [RCW chap. 39.12](#), Prevailing Wages on Public Works
- [RCW chap. 39.34](#), Interlocal Cooperation Act
- [RCW chap. 40.14](#), Preservation & Destruction of Public Records
- [RCW 41.06.142](#), Purchasing services by contract—Effect on employees in the classified service
- [RCW chap. 42.52](#), Ethics in Public Service
- [RCW chap. 42.56](#), Public Records Act
- [RCW 43.17.095](#), Option to submit document, form, or payment electronically
- [RCW chap. 43.19A](#), Recycled Product Procurement

# THANK YOU

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